

1 Elissa D. Miller
emiller@sulmeyerlaw.com
2 333 South Grand Avenue, Suite 3400
Los Angeles, CA 90071-1406
3 Telephone: 213.626.2311
Facsimile: 213.629.4520

4 Chapter 7 Trustee
5
6

7 **UNITED STATES BANKRUPTCY COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**
9 **LOS ANGELES DIVISION**

10 In re

11 GIRARDI KEESE,

12 Debtor.

Case No. 2:20-bk-21022-BR

Chapter 7

**MOTION FOR PROTECTIVE ORDER
PURSUANT TO 11 U.S.C. § 107(b) and
(c) AND FRBP 9037 TO RESTRICT
ACCESS TO FILED DOCUMENT**

[No hearing required]

17
18 **TO THE HONORABLE BARRY RUSSELL, UNITED STATES BANKRUPTCY JUDGE:**

19 Elissa D. Miller, the chapter 7 trustee (the "Trustee") for the bankruptcy estate (the
20 "Estate") of Girardi Keese (the "Debtor"), submits this motion for a protective order
21 pursuant to 11 U.S.C. § 107(b) and (c) and Federal Rule of Bankruptcy Procedure 9037
22 to restrict access to the *Chapter 7 Trustee's Application to Employ Larry W. Gabriel, the*
23 *Law Offices of Jenkins, Mulligan and Gabriel, LLP in Place and Instead of Ronald*
24 *Richards, The Law Offices of Ronald Richards & Associates, A.P.C., as Special Litigation*
25 *Counsel* (the "Application"). The Application was filed on November 11, 2021, as docket
26 number 849.

27 The Trustee learned after the Application was filed, that it disclosed details about a
28 settlement that is subject to a confidentiality agreement and therefore protected by 11

1 U.S.C. § 107(b) and (c)(1). The Trustee requests that the Court restrict public access to
2 the Application and that the Trustee be authorized to re-file the Application without the
3 information that is confidential.

4 DATED: November 16, 2021

Respectfully submitted,

6
7 /s/ Elissa D. Miller

ELISSA D. MILLER

Chapter 7 Trustee

DECLARATION OF ELISSA D. MILLER

I, Elissa D. Miller, declare as follows:

1. I am the duly appointed chapter 7 trustee for the bankruptcy estate of Girardi Keese. I am also a partner at the law firm SulmeyerKupetz, a Professional Corporation. I know each of the following facts to be true of my own personal knowledge, except as otherwise stated and, if called as a witness, I could and would competently testify with respect thereto.

2. On November 11, 2021, I filed the *Chapter 7 Trustee's Application to Employ Larry W. Gabriel, the Law Offices of Jenkins, Mulligan and Gabriel, LLP in Place and Instead of Ronald Richards, The Law Offices of Ronald Richards & Associates, A.P.C., as Special Litigation Counsel* as docket number 849.

3. Over the weekend, I learned that one of the settlements discussed in the Application is the subject of a confidentiality agreement and its terms should not have been publicly disclosed and therefore must request that the Court restrict public access to docket number 849. I will re-file the Application without the confidential information.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 16th day of November, 2021, at Los Angeles, California.

/s/ Elissa D. Miller

Elissa D. Miller

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 333 South Grand Avenue, Suite 3400, Los Angeles, CA 90071.

A true and correct copy of the foregoing document entitled (*specify*): **MOTION FOR PROTECTIVE ORDER PURSUANT TO 11 U.S.C. § 107(b) and (c) AND FRBP 9037 TO RESTRICT ACCESS TO FILED DOCUMENT** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) November 16, 2021, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

See Attached ECF List

☒ Service information continued on attached page.

2. SERVED BY UNITED STATES MAIL:

On (*date*) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page.

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

November 16, 2021

Date

Cheryl Caldwell

Printed Name

/s/Cheryl Caldwell

Signature

ADDITIONAL SERVICE INFORMATION (if needed):

1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")

- **Kyra E Andrassy** kandrassy@swelawfirm.com, lgarrett@swelawfirm.com;gcruz@swelawfirm.com;jchung@swelawfirm.com
- **Rafey Balabanian** rbalabanian@edelson.com, docket@edelson.com
- **Michelle Balady** mb@bedfordlg.com, leo@bedfordlg.com
- **Ori S Blumenfeld** ori@marguliesfaithlaw.com, Helen@MarguliesFaithLaw.com;Angela@MarguliesFaithLaw.com;Vicky@MarguliesFaithLaw.com
- **Evan C Borges** eborges@ggtriallaw.com, cwinsten@ggtriallaw.com
- **Richard D Buckley** richard.buckley@arentfox.com
- **Steve Burnell** sburnell@sulmeyerlaw.com, sburnell@ecf.courtdrive.com;sburnell@ecf.inforuptcy.com;mviramontes@sulmeyerlaw.com
- **Marie E Christiansen** mchristiansen@vedderprice.com, ecfladocket@vedderprice.com,marie-christiansen-4166@ecf.pacerpro.com
- **Jennifer Witherell Crastz** jcrastz@hrhlaw.com
- **Ashleigh A Danker** Ashleigh.danker@dinsmore.com, SDCMLFiles@DINSMORE.COM;Katrice.ortiz@dinsmore.com
- **Lei Lei Wang Ekvall - DECEASED -** lekvall@swelawfirm.com, lgarrett@swelawfirm.com;gcruz@swelawfirm.com;jchung@swelawfirm.com
- **Richard W Esterkin** richard.esterkin@morganlewis.com
- **Timothy W Evanston** tevanston@swelawfirm.com, gcruz@swelawfirm.com;lgarrett@swelawfirm.com;jchung@swelawfirm.com
- **Jeremy Faith** Jeremy@MarguliesFaithlaw.com, Helen@MarguliesFaithlaw.com;Angela@MarguliesFaithlaw.com;Vicky@MarguliesFaithlaw.com
- **James J Finsten** , jimfinsten@hotmail.com
- **Alan W Forsley** alan.forsley@flpllp.com, awf@fklawfirm.com,awf@fl-lawyers.net,addy.flores@flpllp.com
- **Larry W Gabriel** lgabrielaw@outlook.com, tinadow17@gmail.com
- **Eric D Goldberg** eric.goldberg@dlapiper.com, eric-goldberg-1103@ecf.pacerpro.com
- **Andrew Goodman** agoodman@andyglaw.com, Goodman.AndrewR102467@notify.bestcase.com
- **Suzanne C Grandt** suzanne.grandt@calbar.ca.gov, joan.randolph@calbar.ca.gov
- **Steven T Gubner** sgubner@bg.law, ecf@bg.law
- **Marshall J Hogan** mhogan@swlaw.com, knestuk@swlaw.com
- **Sheryl K Ith** sith@cookseylaw.com, sith@ecf.courtdrive.com
- **Razmig Izakelian** razmigizakelian@quinnemanuel.com
- **Lillian Jordan** ENOTICES@DONLINRECANO.COM, RMAPA@DONLINRECANO.COM
- **Lewis R Landau** Lew@Landaunet.com
- **Daniel A Lev** dlev@sulmeyerlaw.com, ccaldwell@sulmeyerlaw.com;dlev@ecf.inforuptcy.com
- **Elizabeth A Lombard** elombard@zwickerpc.com, bknotices@zwickerpc.com
- **Kathleen P March** kmarch@bkylawfirm.com, kmarch3@sbcglobal.net
- **Craig G Margulies** Craig@MarguliesFaithlaw.com, Vicky@MarguliesFaithlaw.com;Helen@MarguliesFaithlaw.com;Angela@MarguliesFaithlaw.com
- **Ron Maroko** ron.maroko@usdoj.gov
- **Peter J Mastan** peter.mastan@dinsmore.com, SDCMLFiles@dinsmore.com;Katrice.ortiz@dinsmore.com
- **Edith R. Matthai** ematthai@romalaw.com, lrobie@romalaw.com
- **Daniel J McCarthy** dmccarthy@hillfarrer.com, spadilla@hillfarrer.com;nchacon@hfbllp.com
- **Elissa Miller (TR)** CA71@ecfcbis.com, MillerTrustee@Sulmeyerlaw.com;C124@ecfcbis.com;ccaldwell@sulmeyerlaw.com
- **Eric A Mitnick** MitnickLaw@aol.com, mitnicklaw@gmail.com
- **Gilbert M Nishimura** gnishimura@snw-law.com, schin@snw-law.com;sgalindo@snw-law.com;ffilimona@snw-law.com
- **Scott Olson** scott.olson@bclplaw.com, scott-olson-2161@ecf.pacerpro.com,ecfsfdocket@vedderprice.com,nortega@vedderprice.com
- **Carmela Pagay** ctp@lnbyb.com

- **Leonard Pena** lpena@penalaw.com, penasomaecf@gmail.com;penalr72746@notify.bestcase.com
- **Michael J Quinn** mquinn@vedderprice.com, ecfladocket@vedderprice.com,michael-quinn-2870@ecf.pacerpro.com
- **David M Reeder** david@reederlaw.com, secretary@reederlaw.com
- **Ronald N Richards** ron@ronaldrichards.com, morani@ronaldrichards.com
- **Kevin C Ronk** Kevin@portilloronk.com, Attorneys@portilloronk.com
- **Frank X Ruggier** frank@ruggierlaw.com, enotice@pricelawgroup.com
- **William F Savino** wsavino@woodsoviatt.com, lherald@woodsoviatt.com
- **Kenneth John Shaffer** johnshaffer@quinnemanuel.com
- **Richard M Steingard** , awong@steingardlaw.com
- **Philip E Strok** pstrok@swelawfirm.com, gcruz@swelawfirm.com;1garrett@swelawfirm.com;jchung@swelawfirm.com
- **Boris Treyzon** bt@treyzon.com, sgonzales@actslaw.com
- **United States Trustee (LA)** ustpreion16.la.ecf@usdoj.gov
- **Eric D Winston** ericwinston@quinnemanuel.com
- **Christopher K.S. Wong** christopher.wong@arentfox.com, yvonne.li@arentfox.com
- **Robert M Yaspan** court@yaspanlaw.com, tmenachian@yaspanlaw.com
- **Timothy J Yoo** tjy@lnbyb.com